

Kathryn Brack Morrow
BUDD-FALEN LAW OFFICES, LLC
300 East 18th Street
Post Office Box 346
Cheyenne, Wyoming 82003
(307) 632-5105 Telephone
(307) 637-3891 Facsimile
kathryn@buddfalen.com

Attorney for Proposed Defendant-Intervenors

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

FRONT RANGE EQUINE RESCUE, *et al.*,

Plaintiffs,

and

STATE OF NEW MEXICO

Plaintiff-Intervenor,

v.

TOM VILSACK, Secretary U.S. Department
of Agriculture, *et al.*,

Federal Defendants,

and

VALLEY MEAT COMPANY, *et al.*,

Defendant-Intervenors,

and

**INTERNATIONAL EQUINE BUSINESS
ASSOCIATION, *et al.*,**

Proposed Defendant-Intervenors.

No. 1:13-cv-00639-MCA-RHS

**PROPOSED DEFENDANT-
INTERVENORS' MOTION TO
INTERVENE**

COME NOW, Proposed Defendant-Intervenors International Equine Business Association, New Mexico Cattle Growers' Association, South Dakota Stock Growers Association, Ranchers-Cattlemen Action Legal Fund United Stockgrowers of America, Marcy Britton, Bill and Jan Wood, LeRoy and Shirley Wetz, and Doug and Judy Johnson, Kujuukuri Ltd., United Horsemen, and Scenic View Ranch, by and through their undersigned attorney Kathryn Brack Morrow, of the Budd-Falen Law Offices, LLC, and hereby request the Court's leave to intervene as of right under Fed.R.Civ.P. 24(a) or, in the alternative, by the Court's permission under Fed.R.Civ.P. 24(b).

Proposed Defendant-Intervenors will be significantly impacted by the disposition of the issues raised by Plaintiffs because enjoining operations of legally permitted equine processing facilities will potentially prohibit Proposed Defendant-Intervenors from proceeding with plans to open additional equine processing facilities and will disrupt Proposed Defendant-Intervenor businesses and individuals from conducting business with currently permitted facilities. Additionally, the Proposed Defendant-Intervenors will face significant impacts if Plaintiffs are granted their requested relief, because any further absence of a humane method of horse disposal will heap substantial economic, emotional and environmental burdens on Proposed Defendant-Intervenors. Finally, the Plaintiffs' efforts to impose a full environmental review, pursuant to the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq., prior to issuing grants of inspection will potentially cause devastating impacts throughout the entire meat industry.

On the morning of August 9, 2013, counsel for Proposed Defendant-Intervenors attempted to discuss this motion with: Rocky N. Unruh and Bruce Wagman, counsel for

Plaintiffs; Ari Biernoff, counsel for Plaintiff-Intervenor State of New Mexico; and Patrick J. Rogers, counsel for Defendant-Intervenor Responsible Transportation. At the time of filing, counsel for Proposed Defendant-Intervenors had not received a response regarding this motion. On July 30, 2013, counsel for Proposed Defendant-Intervenors conferred with Andrew Smith, counsel for Federal Defendants Tom Vilsack and Al Almanza, regarding this motion. The Federal Defendants take no position on this motion. On August 9, 2013, counsel for Proposed Defendant-Intervenors conferred with A. Blair Dunn, counsel for Defendant-Intervenors Valley Meat Company, Rains Natural Meats and Chevaline, regarding this motion. Counsel also spoke with John Boyd, counsel for Defendant-Intervenor Confederated Tribes and Bands of the Yakima Nation. Defendant-Intervenors Valley Meat Company, Rains Natural Meats, Chevaline, and the Confederated Tribes and Bands of the Yakima Nation are not opposed to this motion.

A Memorandum of Law in Support of Proposed Defendant-Intervenors' Motion as well as a Proposed Answer is filed on even date herewith.

RESPECTFULLY SUBMITTED this 8th day of August, 2013.

/s/Kathryn Brack Morrow

Kathryn Brack Morrow
BUDD-FALEN LAW OFFICES, LLC
300 East 18th Street
Post Office Box 346
Cheyenne, Wyoming 82003-0346
(307) 632-5105 Telephone
(307) 637-3891 Telefax
kathryn@buddfalen.com

Attorney for Proposed Defendant-Intervenors

CERTIFICATE OF SERVICE

I certify that I filed the foregoing document on August 8, 2013, using the ECF System, which will send notification to all parties of record.

/s/Kathryn Brack Morrow

Kathryn Brack Morrow

BUDD-FALEN LAW OFFICES, LLC